



**MRID**

**NUMBER**

**NR 4629861**

FMC Corporation

1735 Market Street  
Philadelphia Pennsylvania 19103  
215 299 6000

NR

422986-01

**FMC**

April 27, 1992

Document Processing Desk -- 6(a)(2)  
Office of Pesticide Programs - H7504C  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460-0001

Re: FIFRA Section 6(a)(2)

Dear Sir or Madam:

Enclosed is a summary report of pending claims and lawsuits that have come to the attention of the Law Department during the first quarter of 1992 and in which it is alleged that pesticide products registered by FMC Corporation under FIFRA have caused injuries to non-target organisms, including people. As you know, FMC also routinely reports to EPA on a quarterly basis all incident reports coming to the attention of our Agricultural Chemicals Group. These reports are provided to the Agency for its information and in the interest of avoiding any question whether the company has reported information that may be relevant to FIFRA Section 6(a)(2) requirements.

Of course, as we have stated in the past, reporting of the enclosed summary of claims and lawsuits involving our registered pesticide products does not (and is not intended to) constitute an admission or otherwise represent FMC's conclusion that "... the effect may have resulted from the exposure [to the pesticide]...." (Section II.A(1)(d)(1) of the 1979 enforcement policy).

Also, for the reasons we have stated to you in the past, I have not included allegations that our Command<sup>R</sup>/Commence<sup>R</sup> herbicide has remained in the soil to which it was applied and damaged a rotation crop in the following season. As in the past, there have been numerous claims of this nature (over 45 allegations of carry-over damage, mostly to corn or wheat). Please let me know if you would like additional details.

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Finally, the enclosed summary omits cases in which FMC is a defendant but which omit mention of any of our products.

If the Agency wishes further information on any matter included in the summary, please call me at (215) 299-6928.

Sincerely,

*James M. Steinberg*  
James M. Steinberg  
Counsel

Att.

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First Quarter 1992

FMC CORPORATION: SCHEDULE OF PENDING LAWSUITS

City of Modesto et al v. Shell Oil Company et al  
(including FMC)

Products: Those containing Ethylene Dibromide (EDB)

Allegation: Contamination by multiple defendants of municipal water supply by pesticides known as Dibromo-3-Chloropropane (DBCP) and EDB. FMC is alleged to have been one of a group of defendants that was a manufacturer, formulator, packager, labeler, distributor and/or seller of products containing EDB.

Sharff v. Humphreys Pest Control v. Positive Formulators, Inc.  
and FMC Corporation

Product: Dragnet<sup>R</sup>

Allegation: Termiticides (Dragnet and KillMaster) applied to home allegedly caused injury to homeowner's nerves, ligaments, muscles, organs, tissues and bones, including nausea, dizziness, drowsiness, disorientation, blurred vision, heart palpitations, etc.

R. Robertson, et al v. FMC Corporation

Product: Golden Leaf Tobacco Spray

Allegation: After having applied pesticide and while driving to the store, plaintiff allegedly suffered severe stomach cramp and unconsciousness resulting in an automobile accident.

FMC CORPORATION: SCHEDULE OF CLAIMS MADE OR PENDING

S. Heller

Product: Furadan<sup>R</sup>

Allegation: Claimant was recently diagnosed with unspecified form of cancer. Claimant was allegedly exposed when applying Furadan 2 years prior thereto and called to inquire about Furadan's carcinogenicity.